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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Baker et al. Docket No: 39780-2830C1P9
Serial No: 10/006,485 Group Art Unit: 1647
Filed: December 6, 2001 Examiner: Rachel B. Kapust
For: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC
ACIDS ENCODING THE SAME**

Commissioner for Patents
Washington, D.C. 20231

DECLARATION OF LUC DESNOYERS, Ph.D., DR. AUDREY GODDARD, Ph.D.,

DR. PAUL J. GODOWSKI, Ph.D., DR. AUSTIN GURNEY, Ph.D.,

DR. COLIN K. WATANABE and DR. WILLIAM WOOD, Ph.D.

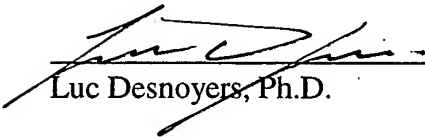
UNDER 37 CFR 1.131

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1. We are the inventors of the above-identified application.
2. We have read and understood the claims pending in this application, and are aware that the claims have been rejected as anticipated by International Patent Application Publication No. WO 00/00610 (Lal *et al.*, publication date January 6, 2000).
3. We conceived and reduced to practice the invention claimed in the above-identified application in the United States prior to January 6, 2000.
4. At the time the present invention was made, one of the inventors, Luc Desnoyers, Ph.D., was, as still is, responsible for overseeing the testing of novel polypeptides, including the polypeptide designated PRO1412, in chondrocyte proliferation assay (Assay #111, Example 153). This assay is used to find agents that are capable of inducing chondrocyte proliferation and/or redifferentiation, and can, therefore, be used in the treatment of joint diseases using a tissue engineering approach or as promising drug candidates to repair aging or arthritic joints, for example, in which the chondrocytes have been dedifferentiated.

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7. Copies of pages from laboratory notebook showing the positive results for the PRO1412 polypeptide (SEQ ID NO:140), identified by Pin number PIN753-1, in Assay #111 are attached to this declaration (with dates redacted) as Exhibit B. These experiments were performed and the results were obtained prior to January 6, 2000.
8. Exhibits A and B clearly show that the polypeptide designated PRO1412 was tested, and its ability to induce the proliferation and/or redifferentiation was determined prior to January 6, 2000.

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08/19/2004

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A. Goddard

Audrey Goddard, Ph.D.

Date

8/19/04

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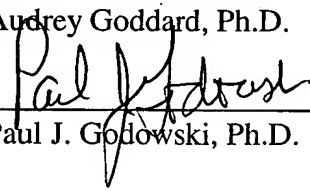
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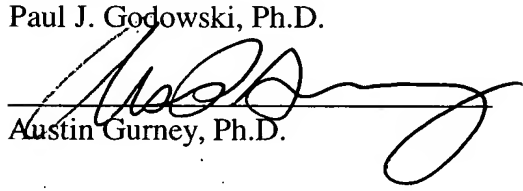
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Colin K. Watanabe
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Aug 24, 2004
Date

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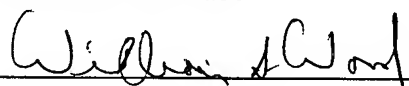
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Select All Unselect

Remove

AST | DNA | DOM | EXP | FAM | ELS | LB | LQI | MAP | OL | PIB | PRO | PUR | RNA | SHC | UNQ | XPI | XST
 Assay Viewer | Sequence Viewer | Gene Viewer | GeneGroup | SAGE

Genes: Feedback

Project No. _____
Book No. 33757 TITLE _____

Primary Assay Result

Assay ID ASY111
Assay Name Chondrocytes Proliferation Assay
Assay Date _____
Notebook Num XXXXX-XX

	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%
	1	2	3	4	5	6	7	8	9	10	11	12
A	Stauroporin	Stauroporin	Stauroporin	PIN717-1	PIN721-1	PIN725-1	PIN730-1	PIN734-1	PIN738-1	PIN742-1	PIN746-1	PIN750-1
B	Media	Media	Media									
C	PIN705-1	PIN711-1	PIN714-1	PIN718-1	PIN722-1	PIN727-1	PIN731-1	PIN735-1	PIN739-1	PIN743-1	PIN747-1	PIN751-1
D												
E	PIN708-1	PIN712-1	PIN715-1	PIN719-1	PIN724-1	PIN728-1	PIN732-1	PIN736-1	PIN740-1	PIN744-1	PIN748-1	PIN752-1
F												
G	PIN710-1	PIN713-1	PIN716-1	PIN720-1	PIN723-1	PIN729-1	PIN733-1	PIN737-1	PIN741-1	PIN745-1	PIN749-1	PIN753-1
H												

Fluorescence

Plate #1: Reading after 3 hours

PASTE YOUR RAW DATA BELOW

	1	2	3	4	5	6	7	8	9	10	11	12
A	85.1	67.1	56.4	100.4	173.2	166.5	166.5	103.1	74.4	68.0	155.6	82.1
B	81.1	159.7	84.4	144.4	38.8	103.8	118.8	75.1	89.3	104.1	78.5	119.8
C	85.4	91.8	89.5	89.1	84.5	84.9	60.4	56.6	67.8	56.6	63.7	107.2
D	92.8	102.4	73.8	72.8	64.7	37.2	60.3	56.4	70.9	75.3	79.4	119.6
E	102.9	72.5	58.0	71.4	55.9	51.1	59.7	47.5	74.3	72.1	52.3	175.3
F	89.9	107.3	80.7	131.8	84.7	83.8	78.7	88.8	89.8	81.4	84.8	180.5
G	118.0	125.9	159.3	105.3	77.3	57.8	64.6	73.3	77.2	84.9	162.3	183.7
H	144.3	102.0	192.0	193.6	181.4	124.0	128.4	129.7	95.4	137.9	172.1	139.5

Control	Fluorescence
Stauroporin	84.3
Media	108.4

Conc			1.00%				
PIN #	N1	N2	AVERAGE	STDEV	Positive	Verified	Comments
PIN708-1	0.788	0.780	0.784	0.0			
PIN709-1	0.949	0.845	0.797	0.2			
PIN710-1	1.070	1.331	1.201	0.2			
PIN711-1	0.847	0.945	0.896	0.1			
PIN712-1	0.878	0.944	0.911	0.2			
PIN713-1	1.182	0.941	1.032	0.2			
PIN714-1	0.828	0.897	0.762	0.1			
PIN715-1	0.535	0.744	0.640	0.1	Positive		
PIN716-1	1.489	1.771	1.620	0.2			
PIN717-1	0.926	1.333	1.129	0.3			
PIN718-1	0.822	0.653	0.738	0.1			
PIN719-1	0.659	1.218	0.938	0.4	Positive		
PIN720-1	0.973	1.786	1.380	0.9			
PIN721-1	1.596	0.910	1.254	0.5			
PIN722-1	0.632	0.597	0.614	0.0			
PIN723-1	0.515	0.781	0.648	0.2			
PIN724-1	0.715	1.489	1.102	0.5			
PIN725-1	1.537	0.956	1.246	0.4			
PIN726-1	0.599	0.543	0.471	0.2			
PIN727-1	0.471	0.774	0.623	0.2			
PIN728-1	0.532	1.144	0.838	0.4	Positive		
PIN730-1	1.538	1.098	1.317	0.3			
PIN731-1	0.557	0.556	0.557	0.0			
PIN732-1	0.551	0.722	0.636	0.1			
PIN733-1	0.595	1.184	0.890	0.4			
PIN734-1	0.951	0.897	0.924	0.2			
PIN735-1	0.522	0.820	0.521	0.0			
PIN736-1	0.438	0.817	0.527	0.1			
PIN737-1	0.878	1.158	0.919	0.3			
PIN738-1	0.886	0.824	0.755	0.1			
PIN739-1	0.824	0.854	0.839	0.0			
PIN740-1	0.889	0.835	0.860	0.0			
PIN741-1	0.712	0.880	0.798	0.1			
PIN742-1	0.812	0.981	0.895	0.1			
PIN743-1	0.541	0.895	0.618	0.1			
PIN744-1	0.685	0.751	0.708	0.1			
PIN745-1	0.599	1.272	0.935	0.3			
PIN746-1	1.438	0.724	1.060	0.5			
PIN747-1	0.588	0.733	0.661	0.1			
PIN748-1	0.464	0.781	0.633	0.2			
PIN749-1	1.084	1.568	1.336	0.1	Positive		
PIN750-1	0.757	1.105	0.931	0.2			
PIN751-1	0.989	1.104	1.046	0.1			
PIN752-1	1.816	1.865	1.842	0.0	Positive		
PIN753-1	1.935	1.287	1.491	0.3	Positive		

Witnessed & Understood by me, _____

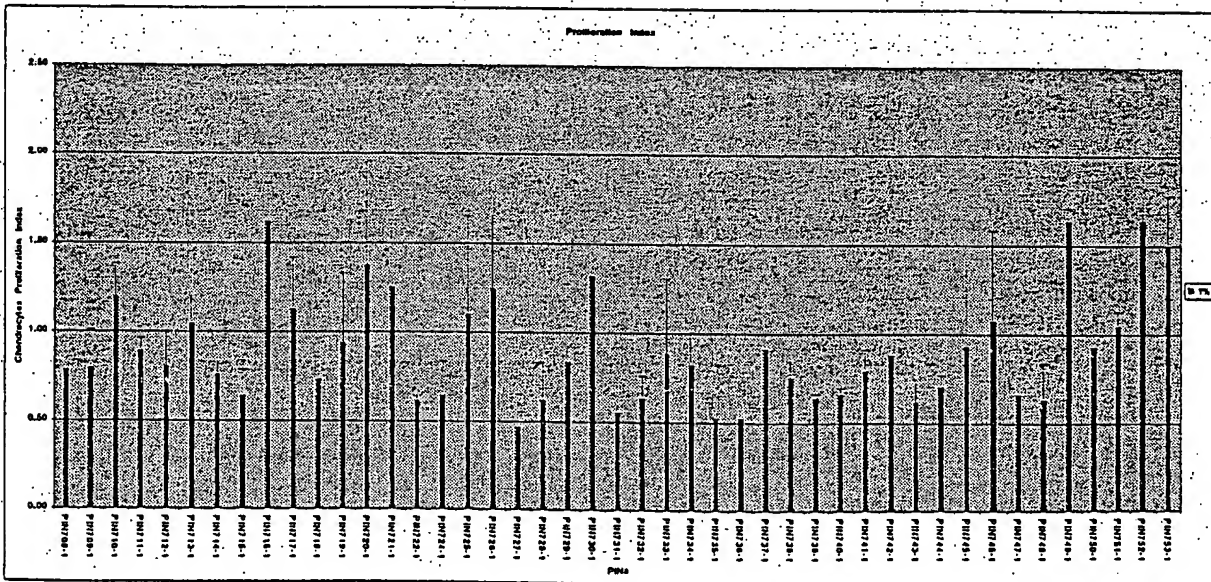
Date _____

Invented by _____

Date _____

GRAPH

PIN#	Average	STDEV
PIN708-1	0.78	0.0
PIN708-1	0.80	0.2
PIN710-1	1.20	0.2
PIN711-1	0.90	0.1
PIN712-1	0.81	0.2
PIN713-1	1.05	0.2
PIN714-1	0.78	0.1
PIN715-1	0.64	0.1
PIN716-1	1.02	0.2
PIN717-1	1.13	0.3
PIN718-1	0.74	0.1
PIN719-1	0.94	0.4
PIN720-1	1.38	0.6
PIN721-1	1.25	0.5
PIN722-1	0.61	0.0
PIN724-1	0.65	0.2
PIN725-1	1.10	0.3
PIN726-1	1.25	0.4
PIN727-1	0.47	0.2
PIN728-1	0.62	0.2
PIN729-1	0.84	0.4
PIN730-1	1.22	0.3
PIN731-1	0.56	0.0
PIN732-1	0.64	0.1
PIN733-1	0.89	0.4
PIN734-1	0.82	0.2
PIN735-1	0.52	0.0
PIN736-1	0.53	0.1
PIN737-1	0.92	0.3
PIN738-1	0.78	0.1
PIN739-1	0.84	0.0
PIN740-1	0.66	0.0
PIN741-1	0.60	0.1
PIN742-1	0.89	0.1
PIN743-1	0.62	0.1
PIN744-1	0.71	0.1
PIN745-1	0.94	0.5
PIN746-1	1.05	0.5
PIN747-1	0.95	0.1
PIN748-1	0.83	0.2
PIN749-1	1.64	0.1
PIN750-1	0.93	0.2
PIN751-1	1.05	0.1
PIN752-1	1.64	0.0
PIN753-1	1.49	0.3



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